

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MIKE SHALES, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 09 C 6191
)	
R.A. BRIGHT CONSTRUCTION, INC.,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

ERISA defendants R.A. Bright Construction, Inc. ("R.A. Bright") and Route 66 Construction Company ("Route 66") are charged jointly and severally with having violated the contribution requirements of applicable employee benefit funds. This memorandum order is issued sua sponte because of one problematic aspect of their jointly filed Answer.

As is often the case when such complaints are brought against multiple defendants, this action has been brought on the premise that "R.A. Bright and Route 66 are a single employer, or alternatively Route 66 is a successor employer to R.A. Bright" (Complaint ¶47). And because each corporation is thus a defendant to the entire lawsuit, it is improper for any paragraph of the Complaint here to be answered solely by one of those companies just because it is the only one named in that paragraph (as is the case in, e.g., Answer ¶¶6 and 7).

Accordingly R.A. Bright and Route 66 are ordered to file an Amendment to their jointly submitted Answer on or before

October 28, 2009 correcting that error wherever it occurs. There is no need for their counsel to file a self-contained Amended Answer instead (unless, of course, the use of the ubiquitous computer rather than the antediluvian typewriter makes it easier for counsel to generate such a self-contained pleading).

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style with a large initial 'M'.

Milton I. Shadur
Senior United States District Judge

Date: October 20, 2009